

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**BARBARA J. HOUSE,**

**Defendant.**

**CASE NO. 8:07CR39**

## TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report (“PSR”) and the Defendant’s objections thereto (Addendum).<sup>1</sup> The government has adopted the PSR. (Filing No. 14.) See Order on Sentencing Schedule, ¶ 6. The Court has reviewed the Defendant’s motion for downward departure. (Filing No. 15.) The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to one sentence in ¶ 9. The objection is denied. The sentence in question was stated by an investigative agent, and the Court is not at liberty to change the agent's statement.

The Defendant's motion for downward departure. If the parties need more than 30 minutes for the sentencing hearing, including the presentation of evidence,<sup>2</sup> they should contact Edward Champion immediately and continue the sentencing hearing.

<sup>1</sup>The objection was not filed with the Court pursuant to ¶ 6 of the Order on Sentencing Schedule. (Filing No. 4.)

<sup>2</sup>The Defendant's motion indicates that the defense intends to offer 30 minutes of oral testimony. (Filing No. 15.)

IT IS ORDERED:

1. The Defendant's Objection to the Presentence Investigation Report (Addendum) is denied;

2. Otherwise the Court's tentative findings are that the Presentence Investigation Report is correct in all respects;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final;

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing; and

6. The Defendant's motion for downward departure (Filing No. 15) will be heard at sentencing.

DATED this 7<sup>th</sup> day of June, 2007.

BY THE COURT:

S/ Laurie Smith Camp  
United States District Judge